

JACKSON LEWIS P.C.

Joshua A. Sliker (Nevada Bar No. 12493)

Joshua.Sliker@jacksonlewis.com

300 S. Fourth Street, Suite 900

Las Vegas, NV 89101

Telephone: (702) 921-2460

Facsimile: (702) 921-2461

CHARIS LEX P.C.

Sean P. Gates (*admitted pro hac vice*)

sgates@charislex.com

Douglas J. Beteta (*admitted pro hac vice*)

dbeteta@charislex.com

301 N. Lake Ave., Suite 1100, Pasadena, CA 91101

Telephone: (626) 508-1717

Facsimile: (626) 508-1730

Attorneys for Plaintiff/Counter-Defendant Tesla, Inc.

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

TESLA, INC., a Delaware corporation,
Plaintiff,

vs.

MARTIN TRIPP, an individual,
Defendant.

AND RELATED COUNTERCLAIMS

Case No. 3:18-cv-00296-LRH-CLB

**DECLARATION OF AUSTIN
MARSH IN SUPPORT OF TESLA'S
RESPONSE TO MARTIN TRIPP'S
MOTION TO SEAL MOTION TO
COMPEL DEPOSITION OF NON-
PARTY ELON MUSK**

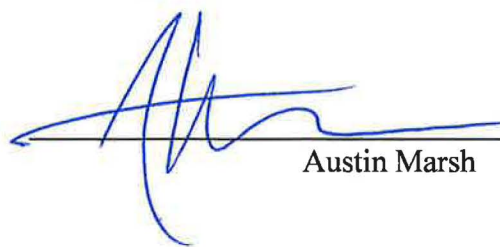
1 I, Austin Marsh, declare as follows:

2 1. I am a Senior Counsel at Plaintiff and Counter Defendant Tesla, Inc. I have personal
3 knowledge of the facts set forth herein. If called as a witness, I could and would competently testify
4 to the matters stated herein. I make this declaration in support of Tesla's Response to Defendant
5 and Counter-Claimant Martin Tripp's Motion to Seal Motion to Compel Deposition of Elon Musk.

6 2. Exhibits L and M to Tripp's Motion consist of emails exchanged between Elon
7 Musk and private individuals concerned with Tesla's operations and investigation into Tripp's
8 actions. These individuals have no involvement in the present lawsuit. To protect these individual's
9 privacy interests, their names and email addresses should be redacted. It is my understanding that
10 Tesla designated Exhibits L and M "CONFIDENTIAL" pursuant to the parties' stipulated
11 Protective Order.

12 3. Exhibit N to Tripp's Motion consists of emails exchanged amongst Elon Musk and
13 others at Tesla with a public relations consultant. The email chain reflects Tesla's internal and
14 confidential strategic discussions regarding communications with the press and the public. These
15 materials have not been publicly disclosed and their public disclosure would harm Tesla's ability to
16 strategize about potential press inquiries and responses with the concern that such communications
17 would be made public. This exhibit also reveals contact information for individuals, including
18 Tesla executives. It is my understanding that Tesla designated Exhibit N "CONFIDENTIAL"
19 pursuant to the parties' stipulated Protective Order.

20
21 I declare under penalty of perjury under the laws of the United States of America that the
22 foregoing is true and correct. Executed on November 20, 2019, at Fremont, California.

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24
25 
26 Austin Marsh
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